

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-11-05

WHEREAS, **BLACK CREEK L. C. & BLACK CREEK TRUST** applied to Community

Zoning Appeals Board 15 for the following:

- (1) AU to RU-1M(a)
- (2) UNUSUAL USE to permit lake excavations.

Plans are on file and may be examined in the Zoning Department entitled "Old Silver Palm Trail," as prepared by Bellon, Milanes, Architects, dated 12-10-03 and consisting of 10 pages.

SUBJECT PROPERTY: PARCEL 1: A portion of Tract 3 of AMENDED PLAT OF EAST DIXIE PARK, Plat 31, Page 61, and a portion of the right-of-way of S.W. 224th Street, lying north of and adjacent to said Tract 3 (said right-of-way closed by Resolution No. 7275), and a portion of the west ½ of Section 17, Township 56 South, Range 40 East, all being particularly described as follows:

Commencing at the Southwest corner of the NW ¼ of the SW ¼ of Section 17, Township 56 South, Range 40 East; thence run N89°16'32"E along the south line of the said NW ¼ of the SW ¼ of Section 17 for a distance of 531.64' to a Point of intersection with the east right-of-way line of the Homestead Extension of Florida's Turnpike (State Road No. 821); thence run N0°48'42"W along said east right-of-way line of the Homestead Extension of Florida's Turnpike (State Road No. 821); for a distance of 50' to the Point of beginning of the tract of land herein described; thence from the above established Point of beginning run the following courses and distances along the said east right-of-way line of the Homestead Extension of Florida's Turnpike (State Road No. 821), N0°48'42"W for 497.94'; N01°05'51"E for 300.17'; N0°48'42"W for 529.71' to a Point of intersection with the south right-of-way line of Old Cutler Road said point lying on a circular curve concave to the north and bearing S08°46'03"W from the center of said curve; thence departing the said east right-of-way line of Homestead Extension of Florida's Turnpike (State Road No. 821) run the following courses and distances along the said south right-of-way line of Old Cutler Road; along said circular curve to the left having for its elements a radius of 2,914.93' and a central angle of 10°41'55" for an arc distance of 544.29' to the Point of tangency of said curve N88°04'08"E for 380.06' to a Point of intersection with the W/ly right-of-way line of the Central and Southern Florida Flood Control District Canal C-1 (Black Creek); thence departing the said south right-of-way line of Old Cutler Road run the following courses and distances along the said W/ly right-of-way line of the Central and Southern Florida Flood Control District Canal C-1 (Black Creek); S02°01'55"E for 5.26'; S07°34'00"W for 727.16' to the beginning of a circular curve to the left; thence to the left along said curve having for its elements a radius of 760' and a central angle of 45°43'36" for an arc distance of 606.54' to a Point of intersection with a line that is 50'

north of and parallel to the south line of the north $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 17 said point bearing S51°50'24"W from the center of said curve; thence departing the W/ly right-of-way line of the Central and Southern Florida Flood Control District Canal C-1 (Black Creek) run S89°16'32"W along a line that is 50' north and parallel to the said south line of the north $\frac{1}{2}$ of the SW $\frac{1}{4}$ of said Section 17 for a distance of 973.93' to the Point of beginning. AND: PARCEL 2: That portion of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 56 South, Range 40 East, lying e/ly of the following described Florida Turnpike right-of-way.

Commence at the Southwest corner of said Section 17; thence N89°22'47"E along the south line of said Section 17, as a basis of bearings of 224.76' to the intersection with the W/ly right-of-Way line of S. R. No. 821 (Florida's Turnpike), Florida State Department of Transportation Right-of-Way map, Section #87005-2305, said point being the Point of beginning of the herein described parcel of land; thence N00°48'42"W along said west Right-of-Way line for 1,332.49' to the north line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence N89°16'30"E along the north line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17 for 300' to the intersection with the E/ly line of said S. R. #821 (Florida's Turnpike); thence S00°48'42"E for 1,333.04' to the south line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 17; thence S89°22'47"W for 300' to the Point of beginning. AND: PARCEL 3: Right-of-Way for drainage outfall, right of Station 5084-77.29 (Centerline of Project). That part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying W/ly of Black Creek Canal (Canal C-1), and Tract 3 of AMENDED PLAT EAST DIXIE PARK, Plat book 31, Page 61, all lying and being in Section 17, Township 56 South, Range 40 East, lying within the following described boundaries, to wit:

Commence at the Northwest corner of the SW $\frac{1}{4}$ of Section 17, Township 56 South, Range 40 East; run thence S01°06'28"E (bearing derived from the Florida State System of Plane Coordinates) along the W/ly boundary of said Section 17, 1,332.11' to a point; run thence N89°16'31"E, 531.64' to the Point of beginning of the herein described parcel; thence run N00°48'42"W, 50' to a point; thence run N89°16'31"E, 973.64' to a Point of intersection with the existing W/ly right-of-way line of Black Creek Canal (Canal C-1), said point being on a curve, concave to the Northeast, having a radius of 760'; thence from a tangent bearing S38°10'38"E, run SE/ly along said curve 65.20', through a central angle of 04°54'57", to a point on said curve; thence, from a tangent bearing S43°05'35"E, run S89°16'31"W, 1,015.39' to the Point of beginning.

LOCATION: The Southeast corner of the Homestead Extension of Florida's Turnpike and Old Cutler Road, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 15 that the request for a district boundary change (Item #1), and the requested unusual use (Item #2) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied and said application was denied by Resolution No. CZAB15-4-05, and

WHEREAS, **BLACK CREEK L. C. & BLACK CREEK TRUST** appealed the decision of Community Zoning Appeals Board 15 to the Board of County Commissioners for the following:

- (1) AU to RU-1M(a)
- (2) UNUSUAL USE to permit lake excavations.

Plans are on file and may be examined in the Zoning Department entitled "Old Silver Palm Trail," as prepared by Bellon, Milanes, Architects, dated 12-10-03 and consisting of 10 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: PARCEL 1: A portion of Tract 3 of AMENDED PLAT OF EAST DIXIE PARK, Plat 31, Page 61, and a portion of the right-of-way of S.W. 224th Street, lying north of and adjacent to said Tract 3 (said right-of-way closed by Resolution No. 7275), and a portion of the west ½ of Section 17, Township 56 South, Range 40 East, all being particularly described as follows:

Commencing at the Southwest corner of the NW ¼ of the SW ¼ of Section 17, Township 56 South, Range 40 East; thence run N89°16'32"E along the south line of the said NW ¼ of the SW ¼ of Section 17 for a distance of 531.64' to a Point of intersection with the east right-of-way line of the Homestead Extension of Florida's Turnpike (State Road No. 821); thence run N0°48'42"W along said east right-of-way line of the Homestead Extension of Florida's Turnpike (State Road No. 821); for a distance of 50' to the Point of beginning of the tract of land herein described; thence from the above established Point of beginning run the following courses and distances along the said east right-of-way line of the Homestead Extension of Florida's Turnpike (State Road No. 821), N0°48'42"W for 497.94'; N01°05'51"E for 300.17'; N0°48'42"W for 529.71' to a Point of intersection with the south right-of-way line of Old Cutler Road said point lying on a circular curve concave to the north and bearing S08°46'03"W from the center of said curve; thence departing the said east right-of-way line of Homestead Extension of Florida's Turnpike (State Road No. 821) run the following courses and distances along the said south right-of-way line of Old Cutler Road; along said circular curve to the left having for its elements a radius of 2,914.93' and a central angle of 10°41'55" for an arc distance of 544.29' to the Point of tangency of said curve N88°04'08"E for 380.06' to a Point of intersection with the W/ly

right-of-way line of the Central and Southern Florida Flood Control District Canal C-1 (Black Creek); thence departing the said south right-of-way line of Old Cutler Road run the following courses and distances along the said W/ly right-of-way line of the Central and Southern Florida Flood Control District Canal C-1 (Black Creek); S02°01'55"E for 5.26'; S07°34'00"W for 727.16' to the beginning of a circular curve to the left; thence to the left along said curve having for its elements a radius of 760' and a central angle of 45°43'36" for an arc distance of 606.54' to a Point of intersection with a line that is 50' north of and parallel to the south line of the north ½ of the SW ¼ of said Section 17 said point bearing S51°50'24"W from the center of said curve; thence departing the W/ly right-of-way line of the Central and Southern Florida Flood Control District Canal C-1 (Black Creek) run S89°16'32"W along a line that is 50' north and parallel to the said south line of the north ½ of the SW ¼ of said Section 17 for a distance of 973.93' to the Point of beginning. AND: PARCEL 2: That portion of the SW ¼ of the SW ¼ of Section 17, Township 56 South, Range 40 East, lying e/ly of the following described Florida Turnpike right-of-way.

Commence at the Southwest corner of said Section 17; thence N89°22'47"E along the south line of said Section 17, as a basis of bearings of 224.76' to the intersection with the W/ly right-of-Way line of S. R. No. 821 (Florida's Turnpike), Florida State Department of Transportation Right-of-Way map, Section #87005-2305, said point being the Point of beginning of the herein described parcel of land; thence N00°48'42"W along said west Right-of-Way line for 1,332.49' to the north line of the SW ¼ of the SW ¼ of said Section 17; thence N89°16'30"E along the north line of the SW ¼ of the SW ¼ of said Section 17 for 300' to the intersection with the E/ly line of said S. R. #821 (Florida's Turnpike); thence S00°48'42"E for 1,333.04' to the south line of the SW ¼ of the SW ¼ of said Section 17; thence S89°22'47"W for 300' to the Point of beginning. AND: PARCEL 3: Right-of-Way for drainage outfall, right of Station 5084-77.29 (Centerline of Project). That part of the NE ¼ of the SW ¼ lying W/ly of Black Creek Canal (Canal C-1), and Tract 3 of AMENDED PLAT EAST DIXIE PARK, Plat book 31, Page 61, all lying and being in Section 17, Township 56 South, Range 40 East, lying within the following described boundaries, to wit:

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LOCATION: The Southeast corner of the Homestead Extension of Florida's Turnpike and Old Cutler Road, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties

concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That the property shall be developed substantially in accordance with that plan submitted with this declaration entitled, "Old Silver Palm Trail" as prepared by Vellon Milanes Architects & Planners, dated stamped received 1-28-05 and consisting of 10 sheets, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
2. That the maximum number of dwelling units to be constructed on the property shall not exceed six (6) units per gross acre for a maximum of 240 dwelling units.

WHEREAS, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 15 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 15 in Resolution No. CZAB15-4-05 were sufficient to merit a reversal of the decision and the appeal should be granted and the decision of Community Zoning Appeals Board 15 should be overruled, and that the requested district boundary change to RU-1M(a) (Item #1) would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and that the requested unusual use (Item #2) would be compatible with the area and its development and would conform with the requirements and intent of the Zoning Procedure Ordinance, and that requested unusual use (Item #2) would not have an adverse impact upon the public interest and should be approved, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to grant the appeal and overrule the decision of Community Zoning Appeals Board 15, accept the proffered Declaration of Restrictions, and approve

Items #1 and 2 was offered by Commissioner Katy Sorenson, seconded by Commissioner

Sally A. Heyman, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	aye
Carlos A. Gimmenez	absent	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	aye

Chairperson Joe A. Martinez absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 15 is overruled.

BE IT FURTHER RESOLVED that the requested district boundary change to RU-1M(a) (Item #1) be and the same is hereby approved.

BE IT FURTHER RESOLVED that the requested unusual use (Item #2) be and the same is hereby approved.

BE IT FURTHER RESOLVED that Resolution No. CZAB15-4-05 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 19th day of May, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-2-CZ15-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By KAY SULLIVAN
Deputy Clerk

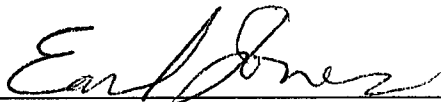
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 2ND DAY OF JUNE, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-11-05 adopted by said Board of County Commissioners at its meeting held on the 19th day of May, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 2nd day of June, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

June 2, 2005

Black Creek L. C. &
Black Creek Trust
c/o Simon Ferro
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Re: Hearing No. 05-2-CZ15-1
Location: The Southeast corner of the Homestead Extension
of Florida's Turnpike and Old Cutler Road,
Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-11-05, adopted by the Board of County Commissioners, which accepted the proffered Declaration of Restrictions and granted your appeal and reversed the decision of Community Zoning Appeals Board 8 on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

If stipulated in the resolution that building permits and/or use, occupancy or completion certificates will be required, please note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution.

If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **June 2, 2005**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements Construction Coordination
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer